

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL/REDEVELOPMENT AGENCY  
RIALTO HOUSING AUTHORITY  
MINUTES  
April 15, 2008**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, April 15, 2008.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Vargas called the meeting to order at 4:08 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Hanson and Council Members Baca Jr. and Scott. Also present were City Administrator Garcia, Interim City Attorney Tilford and City Clerk McGee. Council Member Robertson was absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
2. Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
  - (a) City of Rialto v. United States Department of Defense, et. al.  
(United States District Court Case No. EDCV 04-00079)
3. Conference with labor negotiator regarding the following recognized employee organizations pursuant to Government Code Section 54957.6:  
Agency negotiators: Bradley Neufeld

4. The City Council will conduct a Public Employee Performance Evaluation pursuant to Government Code Section 54957:

Title : City Attorney

5. Conference with Real Property Negotiator. The City Council Will confer with its real property negotiator concerning the Following property pursuant to Government Code Section 54956.8:

(A) Subject: Price and Terms  
Location: Riverside/i-10 Interchange Right-of-Way  
Owner: Overland, Pacific and Cutler  
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### **CLOSED SESSION**

Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to go into Closed Session. Council Member Robertson was absent.

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City Council went into Closed Session at 4:09 p.m. and returned at 5:05 p.m.

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### **CALL TO ORDER**

Mayor Vargas called the meeting to order at 6:05 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Hanson, Council Members Baca Jr. and Scott. Also present were City Administrator Garcia, Interim City Attorney Tilford and City Clerk McGee. Council Member Robertson was absent.

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### **Pledge of Allegiance and Invocation**

Mayor Vargas led the pledge of allegiance and Mayor Pro Tem Hanson gave the invocation.

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### **CITY ATTORNEY'S REPORT ON CLOSED SESSION**

Interim City Attorney Tilford stated that the City Administrator accepted the Assistant City Administrator's offer of retirement. Regarding the one item of pending litigation shown on the closed session portion of the agenda, no reportable action. The City Council also conferred with its labor negotiator regarding each of the bargaining units, no reportable action.

The City Council approved the appraisal report and authorized staff to make offers depending on the budget appropriation.

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## **PRESENTATIONS**

Barbara Dellinger, Airport/Solid Waste Management Superintendent, gave an update on the Rialto Airport/Solid Waste Management Department.

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Council Member Baca Jr. recommended a pilot program for green waste, similar to the one in the City of Sacramento.

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## **ORAL COMMUNICATIONS**

Sybil Johnson, 245 E. First Street asked about keeping medication out of sewer system.

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Barbara Dellinger stated that residents should not dump medications in sewer system but to bring them to a Household Hazardous Waste Site to dispose of them.

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## **PRESENTATIONS**

Mayor Grace Vargas gave a proclamation to Tammie Smith acknowledging her efforts regarding Sexual Assault Awareness.

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Bob Watson, Code Enforcement Supervisor gave the monthly Code Enforcement Update.

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Council Member Joe Baca Jr. presents proclamation to Julie Carver on behalf of Public Works for National Earth Day.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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### **B. APPROVAL OF WARRANT RESOLUTIONS**

1. Resolution No. 37 (3/28/08)
2. Resolution No. 38 (4/04/08)

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### **C. SETTING OF PUBLIC HEARINGS**

1. Request for City Council to set a public hearing for the May 6, 2008 City Council Meeting for the placement of liens (delinquent refuse collection accounts) against the properties shown on the attachment.

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## **CONSENT CALENDAR**

### **D. MISCELLANEOUS**

1. Request the Redevelopment Agency and Rialto Housing Authority to adopt **RDA Resolution No. 624** and **RHA Resolution No. 0015-08** approving an exclusive Negotiating Agreement with Southern California Housing Resource Development LLC.
2. Request City Council to accept the maintenance bond in the amount of \$36,940.55 to warranty the improvements constructed with Parcel Map 17578.
3. Request City Council to approve the Notice of Completion for Facility Painting (Community Center) Project (Project #080200).
4. Request City Council to authorize the Rialto Rotary Club to conduct its Run Whatcha Brung XV, Car Show on May 31, 2008 and authorize necessary expenses, temporary street closures.
5. Request City Council to authorize the purchase of a truck mounted power vacuum and a hydraulic gate-valve machine from E.H. Wachs Company for the Public Works Department – Water Division in the amount of \$36,473.38.
6. Request City Council to approve the Notice of Completion for Margaret Todd Basketball Court Replacement Project (Project #CB0356-00).

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Council Member Ed Scott requests that Item D4 be voted on separately. He would like to abstain from voting because of a conflict of interest. He would also like to abstain from TAB 8 and TAB 9 because of personal conflicts.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by 4-0 vote to approve the Consent Calendar with the exception of Item D4. Council Member Robertson was absent.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Hanson and carried by 3-0-1 vote to approve Item D4 on the Consent Calendar. Council Member Ed Scott abstained. Council Member Robertson was absent.

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City Administrator Henry Garcia states that there are several individuals who would like to speak during Oral Communications. He advises that the City Council let them speak prior to the TAB items.

He also asks to remove TAB 12.

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**ORAL COMMUNICATIONS**

Sara Garcia, 245 E. First Street, stated that she needs help with rent increase hardship at Julia Palms apartments.

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Linda Goffney, 245 E. First Street, indicated she agrees with Sara Garcia and would appreciate any help the City Council can give the senior citizens.

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Council Member Ed Scott asked the City Attorney's office to meet with the owners of Julia Palms to discuss the rent issue.

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Interim City Attorney Tilford stated that he will research rent control ordinance.

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Paloma Duran, Gil Navarro's Campaign Coordinator, introduced herself to the City Council. She gave Gil's home phone number to council and encourages anyone who has questions, to call him for assistance.

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June Hayes, Rialto resident, stated her concern about the waste water digester lids.

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Council Member Ed Scott asked if Ahmad Ansari can look into the lid situation.

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Ahmad Ansari, Public Works Director, indicated that the item is before the Utilities Commission and will be before the City Council on May 6, 2008.

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Bob Minick stated his concern about high density housing.

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## **ORAL COMMUNICATIONS**

Reverend Reginald Beamon, Representative for Congressman Joe Baca's, invited the citizens of Rialto to participate in some upcoming events. The Congressman is having a Women's Conference on April 21, 2008.

Reverend Beamon stated that the Annual Art Contest has started. It includes most of the high schools in the district.

He indicated that Congressman Baca is with the Pope attending an event in Washington, D.C. Congressman Baca plans to invite the Pope to visit the Inland Empire.

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## **PUBLIC HEARING**

### **TAB 1 – City's 2008-2009 Consolidated Plan One-Year Action Plan**

Larry Thornburg, Director of Recreation and Community Services, stated that the City of Rialto will receive an annual award of Community Development Block Grant (CDBG) funds by the U.S. Department of Housing and Urban Development.

He indicates that the city will receive \$1,315,832 for the 2008-2009 CDBG Program Year. The funding is divided into three categories 1) Administration 2) Public Services, and 3) Capital Improvement Projects.

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## **ORAL COMMUNICATIONS**

Deborah Davis, of the Legal Aid Society of San Bernardino, stated a high percentage of residents in Rialto use the Legal Aid Society.

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Sandra Doyle, National Council of Negro Women's Bethune Center in Rialto, thanked the City Council for recommending funding for her agency. The Bethune Center provides academic enhancement and job training services to at-risk youth in the City.

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Judy Roberts, Treasurer of the Rialto Historical Society, encouraged the council to pass the funding request so that repairs of the basement walls can be done and a new security system.

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Motion by Council Member Scott, second by Council Member Baca Jr. and approved by 4-0 vote to close the public hearing. Council Member Robertson was absent.

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**PUBLIC HEARING**

**TAB 1 – City's 2008-2009  
Consolidated Plan One-Year Action  
Plan**

Motion by Council Member Scott, second by Mayor Pro Tem Hanson and approved by 4-0 vote to approve the City's 2008-2009 Consolidated Plan One-Year Action Plan. Council Member Robertson was absent.

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Council Member Ed Scott stated that he, Council Member Baca Jr., and Mayor Pro Tem Hanson sit on the committee for CDBG and thanked the Department of Recreation and Community Services.

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**PUBLIC HEARING**

**TAB 2 – 2008 Weed Abatement  
Program**

Fire Marshall Barajas indicated this item is to conduct the public hearing to consider the 2008 Weed Abatement Program.

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Mayor Vargas declared the public hearing open.

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 to close the public hearing. Council Member Robertson was absent.

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Motion by Council Member Scott, second by Council Member Baca, Jr. and carried by a 4-0 to approve the 2008 Weed Abatement Program. Council Member Robertson was absent.

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**NEW BUSINESS**

**TAB 3 – Special Municipal Election  
Invoice**

City Clerk Barbara McGee indicated that the San Bernardino County Board of Supervisors consolidated the Special Election with the General Election held on November 6, 2007.

City Clerk McGee requested the City Council pay the County of San Bernardino Registrar of Voters the amount of \$106,979 for the Special Election.

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to approve payment of the 2007 Special Municipal Election invoice in the amount of \$106,979.00. Council Member Robertson was absent.

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## **NEW BUSINESS**

### **TAB 4 – Resolution No. 5574 - Construction Contract to GTA Construction – Public Works Break Room**

Ahmad Ansari, Public Works Director, stated this item is to award a construction contract to GTA Construction, Inc. Public Works improvements. The modifications will be to the Water Department Warehouse and remodel of the Code Enforcement Building. The lowest bid was received by GTA Construction, Inc. and Ahmad Ansari recommends the approval of Resolution.

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Council Member Ed Scott asked if the roof on the current building is leaking.

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Adhmad Ansari stated that it is not leaking.

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Motion by Council Member Scott, second by Mayor Pro Tem Hanson and carried by a 4-0 vote to adopt **Resolution No. 5574** approving a Construction Contract to GTA Construction, Inc. for the Public Works Break Room Building Expansion in the amount of \$599,000. Council Member Robertson was absent.

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### **TAB 5 – Resolution No. 5575 - Construction Contract to LR Johnson General Engineering - Public Works Debris Containment Facility Project**

Ahmad Ansari, Public Works Director, stated he would like to award construction contract to LR Johnson General Engineering for the Public Works Debris Containment Facility. He stated that the control board requires the city to have additional location for the wet debris on the unprotected grounds and the potential run-off from the site.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to adopt **Resolution No. 5575** approving a Construction Contract to LR Johnson General Engineering for the Public Works Debris Containment Facility Project in the amount of \$267,799. Council Member Robertson was absent.

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### **TAB 6 – Construction Contract to Doug Martin Contracting - Slurry Seal 2008**

Ahmad Ansari, Public Works Director stated this item is for an award of construction contract to Doug Martin Contracting Co., Inc. for the slurry seal program.

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Council Member Scott asked that the map including the areas to be slurry sealed be posted on the city website.

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## **NEW BUSINESS**

### **TAB 6 – Construction Contract to Doug Martin Contracting - Slurry Seal 2008**

Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to approve the Construction Contract to Doug Martin Contracting Co. Inc. for Slurry Seal 2008 in the amount of \$629,413.00. Council Member Robertson was absent.

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### **TAB 7 – RDA Resolution No. 625 approving budget revisions – Purchase and Sale Agreement with WDJL, LLC**

Robb Steel, Redevelopment/Economic Development Director, stated this item is a request for a budget revision to facilitate acquisition of a property located on Willow just west of Riverside Avenue. His request is that the Agency approves a \$97,000 due diligence funding. When the bonds are issued, the money will be reimbursed. The total amount is a combination of deposit of \$50,000, \$20,000 in due diligence and \$27,000 in option payments.

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Motion by Council Member Scott, second by Council Member Baca Jr. and approved by 4-0 vote to adopt **RDA Resolution No. 625** approving budget revision related to the Purchase and Sale Agreement between the Redevelopment Agency and WDJL, LLC for 8.23 acres of property located at 1485 S. Willow Avenue. Council Member Robertson was absent

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### **TAB 8 – RHA Resolution No. 0016-08 - Vacant Land Purchase Agreement - RHA Resolution No. 0017-08 and RDA Resolution No. 626 amending its 2007/2008 budget**

Robb Steel, Redevelopment/Economic Development Director, stated this is a Purchase and Sale Agreement for two parcels of land located on the southwest corner of Cactus and Foothill Boulevard to develop a second senior housing complex. The apartment complex will be a 75-unit complex for seniors (62 years and older) whose income is at 50% or less of area medium income.

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Council Member Baca Jr. asked why the Agency chose this particular parcel.

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Robb Steel indicated that both sites have similar zoning issues. The Cactus and Foothill is in a designated specific-plan area for Senior Housing and is in a better location for public and commercial services.

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Council Member Baca Jr. asked TELACU representative, Tom Provincio, is there any one site that presents more obstacles than the other.

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## **NEW BUSINESS**

**TAB 8 – RHA Resolution No. 0016-08 - Vacant Land Purchase Agreement - RHA Resolution No. 0017-08 and RDA Resolution No. 626 amending its 2007/2008 budget**

Tom Provencio, TELACU representative, states the site on Foothill offers more opportunities and amenities to boost the application. He would recommend the Foothill site.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Hanson and approved by 3-0-1 vote to approve Vacant Land Purchase Agreement and adoption of **RHA Resolution No. 0016-08** and **RDA Resolution No. 626** to appropriate \$1,836,000 to be utilized for a Senior Housing Complex. Council Member Scott abstained. Council Member Robertson was absent.

Council Member Scott left the dais at 7:45 p.m. and returned at 8:00 p.m.

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**TAB 9 – Purchase and Sale Agreement – vacant parcel at Bloomington and Lilac**

This item was removed from the Agenda.

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**TAB 10 –RDA Resolution No. 627 and RHA Resolution No. 0018-08 - Phase IIA Willow Winchester Neighborhood Revitalization Project**

Robb Steel, Economic Development Director stated that a budget revision needs to be done because of the inability to sell the bonds. He stated that he needs approval to transfer \$4,000,000 from the Low/Mod Housing Fund to the Rialto Housing Authority Fund for the Willow Winchester Neighborhood Project.

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Motion by Council Member Scott, second by Mayor Pro Tem Hanson and carried by a 3-0 vote to adopt **RDA Resolution No. 627** and **RHA Resolution No. 0018-08** approving the transfer of \$4,000,000 from the Redevelopment Agency Low/Mod Housing Fund to the Rialto Housing Authority Fund. Council Member Robertson was absent.

Council Member Baca Jr. left the dais at 8:00 p.m. and returned at 8:05 p.m.

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**TAB 11 – Independent Contractor Agreement for Records Management Software Administrator**

Police Chief Mark Kling asked the City Council for additional on-site assistance from VisionAir Inc. to improve current software. The Rialto Police Department would like to keep Carol Warner as an independent contractor to provide assistance, updates, system administrator training and on-going training.

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## **NEW BUSINESS**

### **TAB 11 – Independent Contractor Agreement for Records Management Software Administrator**

Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to approve the Independent Contractor Agreement with Carol Garner for Records Management Software Administrator in the amount of \$62,500.. Council Member Robertson was absent.

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### **TAB 12 – Request for purchase of replacement desktop computers and servers in the amount of \$140,000**

This item was removed from the Agenda.

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## **UNFINISHED BUSINESS**

### **TAB 13 – Ordinance No. 1419 - (Second Reading)**

Mayor Grace Vargas read the title of the Ordinance:

#### **ORDINANCE NO. 1419**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 28 TO THE CITY OF RIALTO 1992 GENERAL PLAN UPDATE AMENDING THE LAND USE POLICY MAP FROM A MEDIUM HIGH DENSITY RESIDENTIAL (6-12 DU/ACRE) TO HIGH DENSITY RESIDENTIAL (13-21 DU/ACRE).**

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to adopt Ordinance No. 1419. The vote was: AYES: Council Member Baca Jr., Council Member Scott, Mayor Pro Tem Hanson, and Mayor Vargas. NOES: none, ABSTAIN: none. ABSENT: Council Member Robertson.

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### **TAB 14 – Ordinance No. 1420 - (Second Reading)**

Mayor Grace Vargas read the title of the Ordinance:

#### **ORDINANCE NO. 1420**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 324 TO CHANGE THE ZONING DESIGNATION FROM PLANNED RESIDENTIAL DEVELOPMENT ATTACHED (PRD-A) TO HIGH DENSITY RESIDENTIAL (R-3).**

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Motion by Council Member Scott, second by Council Member Baca, Jr. and carried by a 4-0 vote to adopt Ordinance No. 1420. The vote was: AYES: Council Member Scott, Council Member Baca Jr., Mayor Pro Tem Hanson, and Mayor Vargas. NOES: none, ABSTAIN: none. ABSENT: Council Member Robertson.

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## **REPORTS**

Council Member Ed Scott gave an update on the Freeway – Foothill Authority JPA. The committee had a quarterly meeting and the main focus was an invitation from law enforcement of all the cities that are members of JPA to discuss graffiti. The suggestion made was to have a Graffiti Tracker System.

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Mayor Pro Tem Hanson mentioned that the Rialto Community Players will begin "Little Women", The Musical and invited everyone to come and see the play.

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Council Member Baca Jr. attended the Rialto Girls Softball Opening Ceremonies.

He also attended an Area Command Meeting with the police department.

He commended the Mayor and Treasurer Edward Carrillo for attending the foreclosure workshop and they offered to translate for the citizens.

He encouraged everyone to participate in Earth Day.

He congratulated Brenda Parker who was nominated as "Mom of the Year".

He congratulated two Eisenhower High School students who made First Team All Prep. Two Girls Basketball team members also had Honorable Mentions in the Press Enterprise.

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Mayor Grace Vargas thanked everyone who showed up for the Foreclosure Workshop, all the support people that attended the staff and the principal of Carter High School.

She would like to recognize the staff and employees of the City of Rialto and praise them for a job well done.

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## **City Administrator Report**

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

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## **ADJOURNMENT**

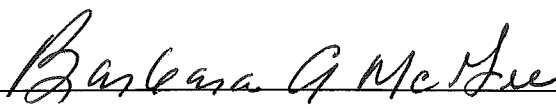
Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to adjourn the Meeting. Council Member Robertson was absent.

The City Council adjourned at 8:15 p.m.

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MAYOR GRACE VARGAS

**ATTEST:**

  
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CITY CLERK BARBARA A. McGEE, CMC

